

Michigan State Waterways Commission
Regular Meeting

Draft Minutes of the Meeting of
June 10, 2005

Cedarville Township Hall
Conference Room
Cedar River, Michigan

A regular meeting of the Michigan State Waterways Commission was called to order by Chairman Winn at 9:05 a.m. on Friday, June 10, 2005, at the Cedarville Township Hall, Cedar River, Michigan. The following Commissioners were present:

John Winn, Chairman
G. Dennis Bailey
David Giffin
Janet Mansfield
Carol B. Oakley
Todd Wyett

Commissioner Curtis Hertel was excused.

Resource Management Deputy Mindy Koch and Department of Natural Resources (Department) Lansing staff were present.

Chairman Winn welcomed guests and thanked Cedarville Township and those connected with Cedar River Harbor and the state park for their hospitality.

Minutes:

April 15, 2005

MOTION: Commissioner Giffin moved to approve the minutes of the April 15, 2005 Michigan State Waterways Commission meeting. The motion was seconded by Commissioner Mansfield and the minutes were unanimously approved.

Public Appearances

Mr. Lee Dunwachter, Township Supervisor for Burt Lake Township (Grand Marais Marina), spoke to the Commission regarding the harbor's needs. Grand Marais is a harbor of refuge and is in need of repair. Mr. Dunwachter requested assistance from the Waterways Commission for the rehabilitation of the dike associated with the marina.

Since the original dike was built by the Army Corps of Engineers, repair should be their responsibility.

Commissioner Giffin stated that the Waterways Commission's primary responsibilities are to the boaters of the state. Chairman Winn suggested that the Director could send a letter of support. Resource Management Deputy Mindy Koch explained the process used for Army Corps of Engineers project requests submitted to Congress. These are handled on a statewide basis rather than the Department seeking federal funds individually.

Old Business

Project Status Report

Mr. Bill Boik provided an update regarding the projects currently in progress, as follows:

- The passage at DeTour Harbor is undergoing a dredging project;
- Mackinac City State Harbor has started building their breakwaters area and the project is progressing rapidly. The marina portion of the project has been revised to include additional large slips;
- Cleanup is being taken care of at Fayette Historic State Park following their dredging project;
- The boat launches have been rebuilt at Little Lake Harbor,
- The dredging project has been completed at DeTour Boating Access Site;
- The project at Duck Lake in Calhoun County includes repaving, grading and drainage, vault toilet replacement, and site restoration;
- Forest Township on Torch Lake is the future site for a new boat launch;
- Au Train Bay Boating Access Site has received upgrades and will also have a new ramp;
- With regard to Burt Lake Boating Access Site, discussion is underway with the township and alternatives are being explored;
- A hearing was held on May 12, 2005 with regard to the Crystal Lake Boat Launch. The judge dismissed two of the four counts against the Department. The judge also stated that DNR is not subject to zoning. The other two counts relate to the trail with regard to that facility;

- Staff is looking at Forest, Mineral, and Fire Management (FMFM) property on Walloon Lake as a potential boating access site. Discussions are ongoing with FMFM staff, the township, and the Walloon Lake Association;
- The environmental assessment for the federal grant has been approved for St Clair. This project will be funded at 75%. The plans include a combination of fixed and floating docks.

Chairman Winn asked staff to agree that all future projects will be floating docks. If not, staff will come to the Commission to discuss the situation.

Mr. Boik thanked Ms. Chris Cope and other staff who worked on the Cedar River Harbor project in order to have the facility ready in time for yesterday's dedication ceremony.

- Cross Village has applied for permits for their proposed boating access site. Approval is still needed from the U.S. Fish and Wildlife Service;
- Chairman Winn stated that a property owner near the DeTour State Dock has complained that our dredging project has impacted the area leading to their dock. Mr. Boik indicated that there is no evidence that anything done during the dredging project has impacted his channel;
- The Bear Lake and Bird Lake paving projects are still in engineering. Chairman Winn suggested that this type of project be completed prior to the summer season as, in these two instances, neighbors have been complaining about the dust. Mr. Boik stated that calcium chloride has been used to reduce the dust.

Operations Status Report

Mr. Harold Herta provided an update on operations. With regard to the Rogers City Marina, the reservation system was changed to reflect the addition of ten slips with no size restrictions. Commissioner Oakley questioned if this might hurt small boat owners if owners of larger boats reserved these slips. The new slips are in broadside moorage. Most large boat owners would utilize a larger slip rather than broadside moorage.

The contract for the central reservation system (CRS) expires this year. This has been bid out and the Department received only two bids. One bid was from Spherix and the other from Reserve America. The bids are presently with the evaluation committee, which has a goal of providing a recommendation to the Administrative Board in July for implementation in October.

At the previous meeting there was a question regarding the process for lost passwords for CRS. Previously a series of links connected customers to their profile, which included information regarding lost passwords. The question about lost passwords has been moved to the main page to facilitate ease of access for customers.

Grant-in-aid facilities may join the reservation system and the service is provided at no cost to the marinas. A separate fee schedule is built into CRS for grant-in-aid facilities.

Mr. Herta discussed the question on octane for regular gas from the previous Waterways Commission meeting. Regular gas is classified as 89 octane. Staff recommends offering premium diesel and 89 octane at the marinas.

Budget

Chief Deputy Dennis Fedewa provided an overview on the appropriations process. Both the House and Senate have passed their versions of the Department's budget. The House version contains an increase of \$3,000,000 for the Parks and Recreation Division (for general operations), which is taken from Harbor Development Fund. The Division is facing a structural deficit; however it is an inappropriate use of this restricted fund. The Parks and Recreation Division is 75% funded with other funds (other than harbor development and waterways). The Harbor Development Fund is specified for use on capital outlay projects and their maintenance. If this item remains in the bill and it is passed, it would become a baseline increase to the Parks and Recreation Division for succeeding fiscal years. The Senate bill does not contain this language.

Standing Committee Reports

Mr. Herta reported that the Operations/Policy Committee met today and reviewed the proposed assessment criteria. Staff would like to move forward to use the assessment criteria internally for the state harbors and boating access sites. Mr. Herta will then report back to the Commission.

Presque Isle Restaurant

A letter was sent to the Portage Restaurant in Presque Isle with regard to all the needs for the building (structural as well as safety, health, and code violations). The Restaurant owners have sent a response, which was received yesterday. Staff will meet with the owners and determine what can be done to solve the most urgent issues. Mr. Herta will let Chairman Winn know if any issues arise prior to the next meeting.

New Business

Rogers City Boat Launch Variance Request

This request seeks an increase in their daily launch fee (increase of \$1.00) and their annual boat launch fee (increase of \$10.00). Staff supports this variance request.

MOTION: Commissioner Oakley moved to approve this request. The motion was seconded by Commissioner Giffin and it carried unanimously.

Cedar River Harbor Variance Request

This request seeks two commercial slips for the Cedar River Harbor. Staff recommends that two commercial charter slips be taken out of their allotment of 61 seasonal slips. The fee for the commercial slips is recommended to be double the standard rate.

MOTION: Commissioner Wyett moved to approve two slips for no more than ten years with the stipulation that no one boat be allowed more than one year at a time. The motion was seconded by Commissioner Giffin and it carried unanimously.

Bay County Variance Request

Mr. Ron Olson explained that this request seeks to allow the USS Edson to moor, on a permanent basis, in an area adjacent to the Independence Park Boat Launch on the Saginaw River in Bay City. Staff supports this request as long as it proceeds without disrupting the boat launch.

MOTION: Commissioner Giffin moved to approve this variance request as staff recommends. Commissioner Bailey seconded the motion. The motion was unanimously approved.

Letter of Invitation from the City of Ludington

A letter was received from the City of Ludington requesting that the Michigan State Waterways Commission hold a meeting there in 2006. Chairman Winn stated that it is premature to set the calendar for 2006, but generally the Commission visits areas with ongoing or recent projects. The 2006 schedule of meetings will be discussed at the December 2005 meeting. Mr. Herta will send a thank you letter to the City of Ludington.

Township Supervisor Harry Larkin from the City of Leland expressed the desire to host a future Waterways Commission meeting.

Garfield Township Variance Request

This request was sent via email and requests a seven day special (if a boat stays for seven days, they may pay for five, but stay for seven). Mr. Herta recommends allowing this for one year and then revisiting the issue.

MOTION: Commissioner Giffin moved to approve the request as staff recommended. The motion was seconded by Commissioner Oakley and carried unanimously.

Leland Township Harbor

Mr. Russell Dzuba, Harbormaster for Leland Township Harbor, reported back to the Commission regarding their previous request (April meeting) for 75% funding for this project. Leland has checked into expanding the project, but this is not feasible due to covenants and deed restrictions.

MOTION: Commissioner Giffin moved to support 75% funding for this project and to convey that support to the legislature. Commissioner Wyett seconded the motion. Resource Management Deputy Mindy Koch asked the Commission what rationale should be used for supporting 75/25 match. Discussion of this funding split ensued. The community was encouraged to become a part of the reservation system and to use floating docks for the project. The motion carried unanimously.

Commissioner Giffin indicated that the Waterways Commission has concerns about the engineering firm chosen by Leland Township and suggested they seek a different firm.

Chairman Winn stated that communities need to employ sinking funds for maintenance projects and these should be funded with a 50/50 match.

Chairman Winn emphasized the importance of posting no swimming signs in harbors. A young boy (who was swimming) was recently killed through electrocution due to an improperly grounded boat. His mother was severely injured when she tried to rescue him. This incident occurred in another state.

This meeting of the Michigan State Waterways Commission adjourned at 10:35 a.m.